



COMMONWEALTH of VIRGINIA  
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Dr. Patricia I. Wright.  
Superintendent of Public Instruction  
Department of Education  
Monroe Building  
101 North 14<sup>th</sup> Street  
Richmond, VA 23219

**Re: Repeal of Regulations Governing Instructional Materials – Selection and Utilization by Local School (8 VAC 20-170-10 *et seq.*); Amendment of Regulations Governing Local School Boards and School Divisions (8 VAC 20-720-10 *et seq.*)**

You ask whether the Board of Education possesses the requisite authority to repeal and amend the above-referenced regulations.

Section 22.1-16 vests the Board of Education with the authority to promulgate such regulations as may be necessary to carry out its powers and duties and the provisions of Title 22.1. The authority to amend or repeal such regulations is necessarily inherent in the authority to promulgate the regulations. In addition, the authority of the Board to adopt regulations relating to local school board approval of certain textbooks is expressed in § 22.1-238. Moreover § 22.1-242 directs the Board to adopt regulations governing the purchase of textbooks and their distribution. Accordingly, it is my view that the Board possesses the requisite authority to repeal, adopt and amend the above-referenced regulations.

The foregoing represents my personal view and is not an official opinion of the Attorney General. If you require additional assistance on this matter, please do not hesitate to contact me.

Yours truly,

Deborah A. Love  
Senior Assistant Attorney General